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SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

Forty-eighth session

SUMMARY RECORD OF THE 8th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 12 August 1996, at 10 a.m.

Chairman: Mr. EIDE

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ELIMINATION OF RACIAL DISCRIMINATION

(a) MEASURES TO COMBAT RACISM AND RACIAL DISCRIMINATION AND THE ROLE OF THE SUB-COMMISSION

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The meeting was called to order at 10.10 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII) (agenda item 6) (continued) (E/CN.4/Sub.2/1996/9 and 32; E/CN.4/Sub.2/1996/NGO/1, 3, 7, 8, 12, 13, 14 and 16)

1. Mr. CHERNICHENKO, speaking of the human rights situation in his own country, said he was extremely concerned by the flagrant and massive violations of social and economic rights that were currently being perpetrated in the Russian Federation. The problems that arose in the science, education and public health sectors were very disturbing and, despite the optimistic official predictions, it was difficult to hope for a rapid improvement in the situation. Furthermore, it was impossible to ignore the events currently taking place in Chechnya. Those events were often reported from only one point of view, and non-governmental organizations (NGOs) and the press generally mentioned only violations committed by the Russian federal troops. It must not be forgotten that the Chechen separatists were constantly violating cease-fire agreements, were using civilian installations for military purposes and were systematically kidnapping people who had no connection with military operations. An increasing number of hostage-takings and terrorist acts had also been committed by Chechen separatists, even outside Chechnya.

2. With regard to the Sub-Commission's methods of work, he wondered to what extent the resolutions adopted by that body, which was apolitical and therefore attracted less media attention than the Commission, could produce results since the Commission's resolutions were often completely forgotten within a month of their adoption. There was, therefore, reason to believe that the only effect of resolutions concerning the human rights situation in a given country was to politicize the work of the Sub-Commission. He therefore thought that the Sub-Commission should refrain from adopting such resolutions except within the framework of the procedure established in Economic and Social Council resolution 1503 (XLVIII). Consequently, he would not participate in the discussion or possible adoption of the draft resolutions in question, although he would not stand in the way of consensus. Nevertheless, the Sub-Commission had a duty to continue to consider the human rights situation in a given country with the valuable assistance of NGOs. In that regard, it was perhaps time to reconsider the idea of a world report on the human rights situation, which had been suggested several years previously. Furthermore, the Sub-Commission was sometimes faced with urgent situations. In the past, it had reacted directly to such situations but, in view of the existence of a specific mechanism, the High Commissioner for Human Rights, it should no longer do so and should request the High Commissioner to intervene where necessary.

3. In 1993, he himself had suggested a study of the question of the recognition of gross and large-scale violations of human rights perpetrated on the orders of Governments or sanctioned by them as an international crime. That proposal had been endorsed by the Sub-Commission, but, at the request of Western countries, the Commission had asked it to reconsider that decision,

arguing that it would duplicate the work of the International Law Commission. He considered that argument unfounded and was surprised that the Western countries, which were usually very active in the area of the protection and promotion of human rights, had demonstrated such hostility to the project.

4. In conclusion, he thought that politicization was a threat to all the bodies which dealt with human rights and hoped that the Sub-Commission, which was in a better position than the Commission in that regard, would forcefully resist that tendency.

5. Mr. GJONEJ (Observer for Albania) said he thought that the improved cooperation between the Sub-Commission and the Commission and the techniques for monitoring and implementing international human rights standards were all the more important in view of the appearance of increasingly complex human rights violations.

6. After many years of conflict, there was a trend towards reconciliation in much of the territory of the former Yugoslavia. However, the situation in Kosovo remained very sensitive, and the progress that had followed the conclusion of the Dayton agreements had not affected that region. The Albanian population, over 2 million inhabitants, continued to be deprived of its legitimate rights and of all participation in social, political and economic life as a result of discriminatory legislation which was causing increasing numbers of Albanians to flee Kosovo. Albanians were also alleged to have been killed by the police or to have been victims of acts of torture or other forms of cruel and degrading treatment. As was shown by the opening of a United States Information Office in Priština, international bodies were closely monitoring the situation in Kosovo, but, apparently, without result. It was also regrettable that the Federal Republic of Yugoslavia (Serbia and Montenegro) had decided not to respect the international decisions regarding Kosovo or to commit itself to dialogue. Only constructive negotiation could pave the way to an equitable solution of that problem, which was a source of concern to the Balkan countries, and he hoped that the Sub-Commission would play an active role in the search for a solution.

7. Mr. LOPEZ DA CRUZ (Observer for Indonesia) said that the Chairman of the Sub-Commission, in his opening statement, had drawn the Sub-Commission's attention to the principle of a "common responsibility" for the promotion and protection of human rights. He had also cited the tranquil transition of South Africa as an example of the transformation of a situation of conflict and human rights abuses into one of peaceful and constructive coexistence between all groups of society. Such a change could take place only if all the protagonists had the political courage to forget the past and look to the future. It was also important to recall that, behind apparently endemic problems, there were always agitators or conflict entrepreneurs whose sole ambition was to undermine the efforts of Governments to advance the cause of human rights for all.

8. In view of those facts, he categorically rejected the observer for Portugal's statement concerning East Timor which was replete with groundless allegations and distorted facts. As history had shown, the sad plight of the people of East Timor was, above all, the result of the abandonment of that territory by the Portuguese colonial power in 1975 and the ensuing civil war.

The vast majority of the people of East Timor had subsequently exercised their right to self-determination by deciding to integrate with the Republic of Indonesia. Moreover, in its judgement of 30 June 1995, the International Court of Justice had clearly rejected Portugal's claim to be the administering power in East Timor, and two of the judges who had expressed separate opinions had concurred that the Court was not persuaded by the Portuguese claim.

9. He hoped that the Sub-Commission would take into account the lack of responsibility demonstrated by Portugal in abandoning East Timor and the International Court of Justice ruling, and he advised the Sub-Commission to ignore other statements concerning Indonesia, which were the work of political provocateurs and profiteers who were manipulating certain NGOs.

10. Mr. ZIARAN (Observer for the Islamic Republic of Iran) said that the debate on human rights had been overshadowed in recent years by political considerations, selectivity, double standards and confrontation. That trend, which threatened to undermine cooperation between Governments and the various human rights mechanisms, must be resisted. Mindful of that problem, during the fifty-second session of the Commission, many delegations had expressed their concern over the politicization of the question of human rights and the emergence of a confrontational approach in the Commission. The Chairman of the Commission had therefore established a group to explore ways of promoting cooperation, consultation, transparency and consensus in the field of human rights. The deliberations and decisions of the Sub-Commission could contribute to that Commission project. The Sub-Commission could encourage cooperation and create an ambience conducive to the promotion of human rights and fundamental freedoms worldwide. In his opening statement, the Chairman of the Sub-Commission had emphasized that, in considering the human rights situation in various countries, due attention should be given to the spirit of cooperation which might or might not be demonstrated by the Governments concerned and to positive developments in the countries in question.

11. For its part, the Islamic Republic of Iran had increased its cooperation with human rights mechanisms. The Iranian Government had cooperated fully with the Special Representative responsible for studying the situation of human rights in the Islamic Republic of Iran and with the Special Rapporteurs on the question of religious intolerance and on the right to freedom of opinion and expression. It had also invited the High Commissioner for Human Rights to visit Iraq and had asked the Centre for Human Rights for advisory services and technical assistance on the administration of justice and the prison system. Finally, it had responded promptly to all requests for information and clarification from the various mechanisms. He hoped that that positive approach would be taken into consideration by the Sub-Commission.

12. Mr. WALDEN (Observer for Israel) said that while he found it encouraging that the situation in the Middle East had not been a major topic for discussion - a sign that it was understood that progress towards peace was basically dependent on direct negotiations - he nevertheless regretted that the considerable progress made in that area had been scarcely mentioned. The statement of the Palestinian representative, in particular, had shown a total absence of a spirit of reconciliation. He stressed the fact that the Israeli Government remained firmly committed to pursuing the peace process. There had been considerable progress in the implementation of the Oslo Agreements. The

Israeli withdrawal from the Gaza Strip had been completed and, on the West Bank, some 40 areas under the civilian administration were currently under exclusively Palestinian control. Nearly 90 per cent of the Palestinian population had internal autonomy. Many Palestinian prisoners had been freed and elections had been held in the territories.

13. Unfortunately, Palestinian violations of human rights, corroborated by numerous reports, were continuing. The Palestinian authorities had not respected their commitment to fight against terrorism. Since the beginning of the year, 60 Israeli civilians had died and approximately 200 had been wounded as a result of attacks by Hamas and other terrorist groups. Israel had taken the necessary steps to protect its own nationals, for example, by closing the territories. It had subsequently relaxed those measures and hoped to be in a position to do so to an even greater extent. The progress of negotiations on the definitive status of the territories involved several extremely sensitive issues, including that of the settlements. The Government's decision to end the moratorium in that respect concerned only construction in the existing settlements. There was no question of establishing new settlements. Moreover, any construction project must be explicitly authorized by the Government. Israel had committed itself to discussing that question during the negotiations on final status, and it remained committed to do so.

14. Israel regretted that the Syrian Government was refusing to resume negotiations without prior conditions. Israel also reaffirmed that it had no territorial ambitions in Lebanon and was merely demanding that Hezbollah should be controlled and that the attacks launched from the land to the north of Israel should cease.

15. Mr. AKRAM (Observer for Pakistan) said he would have liked to inform the Sub-Commission of his country's achievements in the field of human rights and the remaining problems in that area, but the statements made by certain NGOs in the pay of India with regard to the situation in the occupied State of Jammu and Kashmir required an explanation. The people of that State, which was fighting to exercise its right to self-determination, were being cruelly oppressed by the 600,000 or so Indian soldiers who were occupying the region, their political leaders were being threatened and harassed, and human rights activists were regularly being subjected to torture. India was combining force with deception. The people of Jammu and Kashmir were refusing the sham elections offered to them and were continuing to demand the withdrawal of the Indian occupation forces. Pakistan, too, was opposed to the holding of such elections: the organization of elections under foreign occupation had never had any results other than the installation of puppet regimes and the aggravation, rather than the solution, of conflicts.

16. The world had failed to react to the killings in Kashmir. Perhaps the principle of self-determination no longer suited certain champions of democracy, to whom the illusion of freedom seemed as good as freedom itself. On 13 August, the Organization of the Islamic Conference Contact Group on Kashmir would hold a ministerial meeting in Islamabad to consider the measures that the Islamic world could take to confront that new conspiracy against the oppressed people of Jammu and Kashmir. Pakistan hoped that the Sub-Commission would concern itself with the fate of the Kashmiris and would carry out its obligation to promote human rights and freedoms in the world.

17. Mr. MUÑOZ LEDO (Observer for Mexico) said that the events in Chiapas were eloquent proof of the fact that Mexico was the first Latin American country to propose dialogue as a solution to an armed uprising by a dissident group. An ongoing dialogue had been established between representatives of the Federal Government, the Zapatista army, the National Congress and civil society. In February 1996, the first agreements on indigenous rights and culture had been concluded, as his delegation had informed the Commission at its fifty-second session.

18. The Mexican Government had shown every evidence of its willingness to improve the rule of law and democracy in the country. A constitutional reform had been undertaken and a new Supreme Court had been established and given increased powers to rule on the constitutionality of laws. The electoral institutions had also been reformed recently. While human rights violations were being committed in Mexico, they were not part of a State policy, and there were appropriate mechanisms to prosecute those responsible. The increasing interest in human rights in Mexico on the part of NGOs was merely the reflection of a current debate on the question in the media and in civil society.

19. In July 1996, for the first time in the history of the Organization of American States, the Mexican Government had received a visit from the Inter-American Commission on Human Rights, which had been given every opportunity to carry out its work. The Inter-American Commission had found it particularly significant that the great majority of the recommendations made by the national Human Rights Commission had been implemented by the authorities responsible. In the same spirit, the Mexican Government had cooperated with the thematic mechanisms of the Commission; for example, it had invited the Special Rapporteur on torture to visit Mexico.

20. The Mexican Government respected freedom of opinion and recognized the valuable role of NGOs, which, by denouncing human rights violations, allowed it to prosecute those responsible. However, certain exaggerations were threatening the credibility of those organizations, necessary though they were to democracy and the cause of human rights.

21. The CHAIRMAN invited government observers to exercise their right of reply if they so desired.

22. Ms. JARF (Observer for Syria) noted that, while Israel claimed that it wished to resume negotiations with Syria, it failed to recognize the very bases of the peace process, particularly the principle of "land for peace". On several occasions, Syria had expressed the desire to pursue negotiations, but those negotiations must be a step towards true peace rather than an occasion for political manoeuvres intended to undermine it such as those resorted to by the new Israeli Government, which was composed of extremists. In reply to the statement by the World Organization against Torture, which had made accusations against Syria, she said that that statement had marked the first time in five years that that organization had mentioned the situation in Syria in its reports and that its accusations were highly politicized, biased and misleading and cast doubt on the organization's credibility.

23. Mr. EL MUFTI (Observer for the Sudan), speaking in reply to the statement by Christian Solidarity International, explained that the Sudan was not governed by a totalitarian regime since elections had been held there in the presence of representatives of some 50 organizations, including the Arab League and the United Nations. Moreover, the armed conflict raging in the south of the country had been going on for 50 years and was, therefore, not the result of Government policies. That conflict was neither Arab-African nor religious in nature but, rather, a legacy of the policies of the colonial period which the Government had attempted to resolve by peaceful means. There was no basis for the allegations of Christian Solidarity International or for those contained in another report prepared by a member of the House of Lords. The Special Rapporteur on the situation of human rights in the Sudan had been invited to visit that country in early August, and it was important to note that the Sudan had complied with the resolutions of the General Assembly.

24. Mr. EGÜZ (Observer for Turkey) said he felt compelled to exercise his right of reply after the extremely polemical statement made by one member of the Sub-Commission. He was both happy that a tribute had been paid to the memory of an eminent journalist, who had been the victim of a terrible and despicable assassination, and astonished to hear the Sub-Commission member concerned deplore the death of a Turkish Cypriot. It was disturbing to see that an act of terrorism was being shamelessly exploited to launch slanderous accusations against Turkey by developing a ridiculous conspiracy theory concerning a case in which, as yet, the judicial proceedings had not even been completed. Turkey, which had condemned Mr. Adali's assassination, categorically rejected all the insinuations made by that member of the Sub-Commission, who was known for her close links with the Greek-Cypriot Government.

25. Ms. PALLEY said she wished to reply to Turkey, which had called her personally into question. She was very sorry that her sincere interest in and admiration for Mr. Adali had led the observer for Turkey to express surprise that she had deplored the death of a Turkish Cypriot. For her, there were only Cypriots, whether Turkish or Greek, and she had not been expressing an opinion regarding the death of that journalist or expounding any kind of conspiracy theory. In fact, she had been very careful not to accuse Turkey or to make any sort of insinuation. She had merely said that there was some evidence implicating Turkey as an occupying Power. An occupying Power had a duty to protect the human rights of everyone under its control. The evidence was that Mr. Adali, who had been criticizing Turkey for eight years, had been murdered at the very moment when his writings threatened to compromise the Turkish Government within the framework of confidential proceedings and when it was possible that he would be called to testify before the European Commission of Human Rights. The allegations that journalists had been murdered by the Turkish Secret Service for having criticized the Government were not new, but she, personally, had made no accusation. Her concern in mentioning the case had been to preserve the safety of other Turkish Cypriots, particularly Turkish interpreters working in the region controlled by the Government. She hoped that Turkey, as an occupying Power, would do whatever was necessary to ensure the security of the many other people who were exercising their right to freedom of expression and that there would be an in-depth inquiry into the death of Mr. Adali. She eagerly awaited the findings of that inquiry.

26. Mr. SALMAN (Observer for Iraq) said he deplored the political tone adopted by certain manipulated NGOs, which confirmed that they were not really concerned by the human rights situation in his country but were merely seeking to exacerbate the political campaign against Iraq and to distract attention from the responsibility of States that were seeking to starve the Iraqi people. Those organizations claimed that Iraq was trying to prevent implementation of the "oil for food" procedure, although everyone knew that only the United States was hindering that implementation. The Fondation Danielle Mitterrand had made allegations concerning human rights violations in the region of Kurdistan, ignoring the fact that, since 1991, that region had no longer been under Iraqi authority because of the presence of Western forces. He hoped that certain groups would not be allowed to use the Sub-Commission for political purposes far from the noble humanitarian objectives that it defended.

27. Mrs. MARKIDES (Observer for Cyprus) recommended that the observer for Turkey, in speaking of her country, should use the United Nations terminology. Everyone knew that the illegal entity established in the part of the island occupied by Turkish forces was recognized only by Turkey and that the only recognized Government on the island was that of the Republic of Cyprus. The observer for Turkey, in a desperate attempt to divert attention from the crimes perpetrated by his country in Cyprus and from the brutal murder, the previous day, of a 24-year-old Greek Cypriot who had merely been trying to exercise his right to freedom of movement, had resorted to lying insinuations regarding the murder of Kutlur Adali. The fact that Turkey had perpetrated gross and systematic violations of the human rights and fundamental freedoms of the Cypriot people was well documented by the European Commission of Human Rights. The observer for Turkey should advise his Government to, at least, comply with the United Nations resolutions on Cyprus and to withdraw its occupation troops and settlers rather than resorting to fallacious arguments.

28. Mr. FASEHUN (Observer for Nigeria) alluded to the statement made on 7 August 1996 by the representative of the International Federation of Human Rights, which had presented a distorted view of the situation in Nigeria. The Nigerian Government had taken effective measures to improve respect for the rights of Nigerian citizens, and the members of the Sub-Commission were well aware of the Government's intention to respond appropriately to the recommendations of the United Nations fact-finding mission that had visited Nigeria in early 1996. Nigeria was not a dictatorship and its Government, which was working to build a new political and economic society, needed the support and cooperation of the international community rather than the condemnation of NGOs which were merely seeking to promote their own interests.

29. The CHAIRMAN said that, before declaring the consideration of agenda item 6 concluded, he wished to clear up any misunderstandings that might have been caused by his opening statement. It was important to encourage broad consultations on questions related to agenda item 6, not only within United Nations bodies but also in the countries concerned. As the preamble to the Universal Declaration of Human Rights stated, "it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law". He explained that the expression "conflict entrepreneurs" could apply to Governments, as was sometimes recognized by those Governments' successors.

ELIMINATION OF RACIAL DISCRIMINATION

(a) MEASURES TO COMBAT RACISM AND RACIAL DISCRIMINATION AND THE ROLE OF THE SUB-COMMISSION (agenda item 5) (E/CN.4/Sub.2/1996/5 and 8; E/CN.4/1996/71 and Add.1, and 72 and Add.1)

30. Mrs. FARHI (International Council of Jewish Women) said that the resurgence of racist and xenophobic movements of the extreme right in Europe was very disturbing. The National Front in France, whose racism, particularly towards Arabs, and anti-Semitism no longer needed to be demonstrated, had been able to use the mechanisms of democracy to win municipal elections in several large cities and to infiltrate the machinery of society. There was even a policemen's union solely devoted to those beliefs. The neutrality of the security forces, a pillar of democracy, was thus seriously threatened.

31. Concurrently with the rise of the National Front, there was a strong resurgence of Holocaust revisionism, as demonstrated by the Abbé Pierre case. Charismatic and loved by all, he had not hesitated to support the revisionist and anti-Jewish positions of Roger Garaudy. She also mentioned the sinister case of the desecration of the Jewish cemetery in Carpentras, to which four neo-Nazi skinheads with ties to the French and European Nationalist Party had recently confessed.

32. Politicians must seriously consider the danger posed by parties which generated chauvinistic fanaticism and exclusion of the most vulnerable and whose brutal claims targeting foreigners, applicants for asylum and migrant workers were already leading to a collective response by minorities, often resulting in uncontrollable urban violence.

33. The French Government must combat social problems, inequalities and unemployment, but, in the light of article 20 (2) of the International Covenant on Civil and Political Rights and article 4 (b) of the International Convention on the Elimination of All Forms of Racial Discrimination, it must ban the National Front since, without that party, racism would be unable to develop ideologically and strategically.

34. Mr. BOUTKEVITCH said that, particularly as a result of the Sub-Commission's activities over the past 30 years under item 5 of its agenda, there was no longer any Government that explicitly admitted it was racist. Most Governments even claimed that there was no racial discrimination in their countries. Unfortunately, reality contradicted those claims, as was demonstrated by the discrimination against migrant workers, graffiti and racial insults, Fascist and anti-Semitic propaganda, the desecration of cemeteries, the racist attitudes of some employers and policemen, the expulsion of foreigners, the crimes committed by Islamists, racist crimes, "ethnic cleansing" and genocidal acts. It was therefore important to seek the causes of that rise in racism, which sometimes took on insidious forms that were difficult to detect.

35. Among the legal causes were the refusal of many States to ratify the international instruments condemning racial discrimination or to incorporate the provisions of those instruments into their domestic law, the inadequacy or

lack of precision of constitutional or legislative provisions intended to combat racism, and ignorance of those provisions on the part of certain persons who were, nevertheless, responsible for implementing them.

36. Among the institutional and organizational causes were the lack of coordination between public prosecutors and other bodies responsible for preventing and punishing racist acts; the refusal of many countries to cooperate with NGOs and to report racist acts committed in their countries; the absence, in many countries, of national institutions responsible for combating racial discrimination; the absence of worldwide anthologies of laws against racial discrimination, which made it difficult to make any comparison between countries; the small number of multiracial associations; and the lack of studies of vulnerable population groups, which were often victims of racial discrimination.

37. In addition to all those reasons, there was the superiority complex from which certain monocultural societies suffered and the resurgence of extremist and Fascist movements. Furthermore, several new States, including those which had emerged from the former Soviet Union, had abandoned certain norms of international law and, owing to a lack of stable democratic institutions, threatened to lapse into Fascist ideologies. A final factor was the insufficient resources devoted to the fight against racial discrimination, of which the victims included members of ethnic and national minorities, migrant workers, prisoners and job seekers.

38. In order to remedy all those problems, it was important to stress the need to imbue citizens, inter alia through teaching and the media, with values opposed to racist and extremist theories, to analyse the fundamental causes of racial discrimination and to seek ways of preventing and combating it. It was also important to request implementation of the recommendations of the Commission on Human Rights and to invite the United Nations Secretary-General to organize a world conference on racism. It would also be possible to prepare an anthology of laws related to the fight against racial discrimination, which States could use as models. Furthermore, States parties to the International Convention on the Elimination of All Forms of Racial Discrimination should withdraw their reservations to that instrument, to which should be added an optional protocol taking account of new forms of racial discrimination and steps taken by various States with a view to their elimination. Finally, the question of compensating the victims of racist acts must be considered.

39. Ms. MINTON (International Work Group for Indigenous Affairs), speaking on behalf of the Pro-Kanaka Maoli Independence Working Group, said that that people, which had been living in Hawaii for thousands of years, was the victim of various forms of discrimination, with regard to, inter alia, health (extremely high rates of adult and infant mortality and suicide, and heavy consumption of alcohol and narcotics), the environment (contamination of land and water by toxic and nuclear wastes), housing (evictions and forcible removal), religion (destruction of sacred sites), the courts and the law. For example, the Kanaka Maoli were defined as one of the three categories of people who could not sue the State or Federal Government. The other two categories were children and mentally disabled adults. The United States

Congress predicted that the Kanaka Maoli people would disappear by the year 2044. Therefore, nothing would be done to prevent what amounted to genocide.

40. The plebiscite on the Kanaka Maoli lands currently being organized in violation of the Apology Law adopted by the United States Congress in 1993, sought to deny that people the right to self-determination, eliminate its rights to ancestral lands, deprive it of its status as a nation and define it as a tribe incompetent to manage its own affairs. The Pro-Kanaka Maoli Independence Working Group requested the Sub-Commission to investigate the violations surrounding that plebiscite, adopt a resolution to support the exercise of the Kanaka Maoli people's right to self-determination and recommend that the international community should endorse the development of a true process of decolonization of the non-autonomous territories in favour of the indigenous peoples who were its principal inhabitants.

41. Mr. CHISHI SWU (Society for Threatened Peoples) drew the Sub-Commission's attention to the situation of human rights in Nagaland, where, since the state of emergency declared by the Indian Government on 1 April 1995, armed forces had been doing their best to crush the popular protest movement. Three people had been killed while in the custody of the Indian army, and the military authorities were using hired men to eliminate human rights activists and Church leaders. The principles of human rights set forth in the Charter of the United Nations were being violated with complete impunity.

42. Since the beginning of the Indian invasion and occupation of Nagaland in 1954, the Indian Government's policy had always been the relentless suppression of the rights of the Nagas, whom it called separatists and terrorists. The Armed Forces Special Power Act of 1958 had been the cause of endless human rights violations. It was high time for the international community to react and condemn those atrocities, particularly since it was well aware of the violent suppression of the Kashmiris and the systematic exploitation of indigenous peoples in India. Only in 1995 had the United Nations Secretary-General officially acknowledged the existence of a "human rights situation" in Nagaland. The Society for Threatened Peoples therefore appealed to the Sub-Commission to recommend that the Commission should send a mission to Nagaland and the neighbouring areas to study abuses of human rights and to appoint a Special Rapporteur on the question so that justice could be done to the victimized peoples of the region.

43. Ms. TANAKA (International Movement against All Forms of Discrimination and Racism) said that racism and racial discrimination continued to be manifest in many parts of the world in the form of racial hatred, ethnic and national violence and even genocidal practices.

44. For example, in 1995, Belgium had adopted a new Bill aimed at limiting the free movement of asylum seekers, who were kept in closed reception centres during the time necessary for the consideration of their applications. If their applications were rejected, they might spend many months in centres before being repatriated or sent to another host country. That Bill also included provisions extending the liability of carriers, who were obliged to verify that their passengers had adequate financial resources and the entry

documents necessary for their stay. Such measures, which were virtual acts of xenophobia and racial discrimination, might lead to the social exploitation by traffickers of vulnerable groups such as women, young girls and children.

45. In that regard, she expressed her organization's appreciation for the European Parliament's initiative in the fight against racism, the goal of which was to amend the Treaty on European Union in order to grant European institutions the competence to act in cases of racial and religious discrimination. Unfortunately, that proposal had not been mentioned at the meeting of the European Council in Florence in June 1996, and experts had conceded that there was not sufficient political will to take concrete measures against racism and xenophobia at the European level.

46. At the United Nations level, the mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the work of the Committee on the Elimination of Racial Discrimination showed the seriousness and widespread nature of the problem. While she welcomed the recent ratification of the International Convention on the Elimination of All Forms of Racial Discrimination by the United States of America, Switzerland and Japan, it was regrettable that Indonesia, Turkey and Ireland were not yet parties to that instrument.

47. In conclusion, the International Movement against All Forms of Discrimination and Racism drew the attention of the Sub-Commission to the following points: the usefulness of regular cooperation between the members of the Committee on the Elimination of Racial Discrimination and the Special Rapporteur and of periodic consultations between the Sub-Commission and the Committee; the importance of the right of individual petition under international instruments and, in particular, of article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, which established that right; the need to address the ambiguity of article 1 (2) of that Convention, which seemed to permit distinctions between the nationals and non-nationals of a State; and, finally, the importance of a preventive approach which would take into account the root causes of racism and racial discrimination within the framework of the activities planned for the Third Decade to Combat Racism and Racial Discrimination.

48. Mr. BYEKIR (Transnational Radical Party) said that the problem of racial discrimination was particularly difficult to deal with when it existed in a partly hidden form. That was the case, for example, when discrimination was institutionalized by the regional authorities of a country without the knowledge of the central Government. It was difficult for international bodies to monitor the human rights situation at the regional level, and central Governments often tended to deny their responsibility for violations committed, particularly in the case of large countries with a system of regional autonomy, such as India, Russia, Ukraine (with regard to the Crimea) or Tanzania (with regard to Zanzibar).

49. A system of "underground" discrimination also existed when violations of the political, economic, social and cultural rights of an ethnic group were officially based, not on racial considerations, but on other factors with, in practice, the same effects. Examples of that practice were cases where a

particular ethnic group did not know the official language of the State where it lived and those involving obligatory employment or permanent settlement, as in Tibet, East Turkestan, West Papua, East Timor, Kosovo, Sanjak, the Chittagong Hill Tracts, the lands of the Lakota nation, Hawaii and the Batwa people in Rwanda.

50. Discrimination could also exist even when the rights of certain groups were not officially restricted by law at the national or regional level if the Government did nothing to protect those rights and to punish those who violated them. Such governmental non-intervention promoted the continuation of human rights violations against specific ethnic groups. Such was the case in Ukraine, where the Government had failed during the past six years to denounce the Crimean Government policy of limiting the repatriation and resettlement of Crimean Tatars in their homeland. The Government had also refused to grant Ukrainian citizenship to over 200,000 Tatars who had returned to their homeland since November 1991 and had failed to prosecute the special militia troops who, in June 1995, had fired on Tatars who were protesting against the refusal of the authorities to take action against criminal acts committed against Crimean Tatars. In conclusion, he asked the Sub-Commission to focus its attention on those hidden, but nevertheless systematic, forms of discrimination.

51. Mr. MEHEDI recalled that, since 1978, the question of the elimination of racial discrimination had been included in the agenda of the Sub-Commission, which was currently paying particular attention to the reports submitted by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. Concurrently with the work of the Special Rapporteur, the United Nations was endeavouring to implement the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination, and it was unfortunate that that programme had not sufficiently emphasized education, human rights awareness and literacy training in general and, moreover, that there had been a confusion between the terms "teaching" and "education". Education was, indeed, the correct term since it was a question of the communication of knowledge to society as a whole rather than to a particular audience, as was the case of teaching. Moreover, it was important for that programme to be considered together with the Plan of Action for the United Nations Decade for Human Rights Education.

52. All countries must take the necessary steps to implement the recommendations made as a result of the conferences in Tehran and Vienna and to transmit to young people, through teaching, the principles set forth in the Universal Declaration of Human Rights and the other relevant international instruments. For example, article 26 of the Declaration stipulated that education should be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. Other instruments, such as the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child, also mentioned the right to education.

53. With regard to the more specific provisions aimed at combating racism and racial discrimination, it was important to mention the fact that the United Nations Declaration on the Elimination of All Forms of Racial

Discrimination affirmed the necessity of adopting "national and international measures ... including teaching, education and information, in order to secure the universal and effective recognition and observance" of human rights principles. The International Convention on the Elimination of All Forms of Racial Discrimination also recalled the importance of teaching and education in the field of human rights. In that spirit, he proposed adding a mention of the strengthening of education in the field of human rights to the recommendations made by Mr. Boutkevitch.

The meeting rose at 1.10 p.m.